

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

VIRGINIA INNOVATION SCIENCES, INC.,

Plaintiff,

v.

AMAZON.COM, INC., et al.

Defendant.

Civil Action No. 4:18-cv-00474-ALM
(LEAD CONSOLIDATED CASE)

JURY TRIAL DEMANDED

INNOVATION SCIENCES, LLC,

Plaintiff,

v.

RESIDEO TECHNOLOGIES, INC.,

Defendant.

Civil Action No. 4:18-cv-00475-ALM

INNOVATION SCIENCES, LLC,

Plaintiff,

v.

HTC CORPORATION,

Defendant.

Civil Action No. 4:18-cv-00476-ALM

INNOVATION SCIENCES, LLC,

Plaintiff,

v.

VECTOR SECURITY, INC.,

Defendant.

Civil Action No. 4:18-cv-00477-ALM

**NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING
DEFENDANTS' REQUEST FOR CLARIFICATION OF MODEL ORDER
FOCUSING PATENT CLAIMS AND PRIOR ART TO REDUCE COSTS**

Defendants Amazon.com, Inc., Amazon Digital Services, LLC, Amazon Web Services, Inc., Resideo Technologies, Inc., HTC Corporation, and Vector Security, Inc. (collectively, “Defendants”) respectfully submit this Notice of Supplemental Authority Regarding Defendants’ Request for Clarification of Model Order Focusing Patent Claims and Prior Art to Reduce Costs (Dkt. 121). In the orders listed below and attached, courts in this district permitted defendants in consolidated cases to submit their own independent election of prior art references and did not impose a collective limit on prior art among defendants:

- **Exhibit 1:** *Motiva Patents, LLC v. Sony Corp. et al.*, No. 9:18-cv-00180 (E.D. Tex. Apr. 15, 2019), Dkt. 78 at 2 (requiring prior art elections by “each defendant”);
- **Exhibit 2:** *Realtime Data LLC d/b/a IXO v. Actian Corp. et al.*, No. 15-cv-00463-RWS (E.D. Tex. Sept. 9, 2015), Dkt. 96 at 2 (requiring prior art elections by “each defendant”);
- **Exhibit 3:** *Manitto Techs., L.L.C. v. Ferrari N. Am., Inc. et al.*, No. 14-cv-1105 RWS (E.D. Tex. June 1, 2015), Dkt. 64 at 1-2 (“each patent defendant shall serve a Preliminary Election of Asserted Prior Art, wherein each shall assert no more than eighteen prior art references of each defendant’s own choosing”); and
- **Exhibit 4:** *Phoenix Licensing, L.L.C. et al. v. AAA Life Ins. Co.*, No. 13-cv-1081-JRG-RSP, Dkt. 402 at 2 (E.D. Tex. Mar. 11, 2015) (requiring prior art elections by “each defendant”).

Defendants discovered these orders after briefing on this motion closed and submit them now in light of the Court’s comments during the telephonic hearing of July 2, 2019, to show the weight of authority on the issue presented by the motion.

July 2, 2019

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 2, 2019.

/s/ Ravi R. Ranganath
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